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Attorneys for the United States

UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHERINE P. KEALOHA (1), et al.,

Defendants.

Case No. CR 17-00582-JMS-RLP

MOTION TO FILE EXHIBIT  
UNDER SEAL

COMES NOW the plaintiff, United States of America, by and through its counsel, Jefferson B. Sessions III, United States Attorney General, Alana W. Robinson, Acting United States Attorney, Michael G. Wheat, Eric J. Beste, Janaki S. Gandhi, and Colin M. McDonald, Special Attorneys to the Attorney General, and hereby files its motion to file exhibits under seal and declaration of counsel.

The United States requests to file the transcript of proceedings (“the transcript”) from September 23, 2016, in sealed Case No. 16-MC-00208-DKW-KSC, as an exhibit under seal to support its Motion to Disqualify Myles S. Breiner and Kevin P.H. Sumida. Sealed Case No. 16-MC-00208-DKW-KSC relates to a Motion to Dismiss the Grand Jury and to Disqualify the Prosecutor filed by Defendants KATHERINE P. KEALOHA and LOUIS M. KEALOHA. The transcript contains oral argument by the parties and District Judge Watson’s oral decision denying the defendants’ motions. To file the transcript under seal, the United States respectfully requests leave of this Court to file the sealed transcript under seal in this matter for the limited purpose of submitting it as an exhibit to the United States’ Motion to Disqualify Myles S. Breiner and Kevin P.H. Sumida. The United States would then provide a copy of the transcript to all parties in this case. The transcript would otherwise remain under seal in all other respects.

Dated: November 3, 2017.

Respectfully submitted,

JEFFERSON B. SESSIONS III  
United States Attorney General

ALANA W. ROBINSON  
Acting United States Attorney

s/ Eric J. Beste  
MICHAEL G. WHEAT  
ERIC J. BESTE  
JANAKI S. GANDHI  
COLIN M. MCDONALD  
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UNITED STATES OF AMERICA,  
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KATHERINE P. KEALOHA (1), et al.,  
Defendants.

Case No. CR 17-00582-JMS-RLP  
DECLARATION OF COUNSEL

DECLARATION OF COUNSEL

Eric J. Beste, Special Attorney to the United States Attorney General, do  
hereby declare:

1. I am a Special Attorney representing the United States in the  
above-entitled matter.

2. This declaration is made in support of the United States' motion to unseal a transcript of proceedings from Case No. 16-MC-00208-DKW-KSC ("the transcript") for limited purposes and file it under seal as an exhibit in this case.

3. Case No. 16-MC-00208-DKW-KSC is a sealed matter relating to a Motion to Dismiss the Grand Jury and to Disqualify the Prosecutor filed by Defendants KATHERINE P. KEALOHA and LOUIS M. KEALOHA.

4. The transcript is from the oral argument and District Judge Watson's oral decision on September 23, 2016. The United States intends to submit the transcript in support of its Motion to Disqualify Defense Attorneys Myles S. Breiner and Kevin P.H. Sumida (Dkt. 74).

5. The United States requests a limited unsealing of the transcript for the sole purpose of filing under seal in this case in order to avoid publicly revealing sealed proceedings and grand jury information.

6. Based on the foregoing, it is requested this Court unseal the transcript for the limited purpose of permitting the United States to file it under seal as an exhibit to its Motion to Disqualify and produce it to all parties in this case under seal.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: November 3, 2017.

Eric J. Beste  
MICHAEL G. WHEAT  
ERIC J. BESTE  
JANAKI S. GANDHI  
COLIN M. MCDONALD  
Special Attorneys to the Attorney General

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UNITED STATES OF AMERICA,  
Plaintiff,

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KATHERINE P. KEALOHA (1), et al.,  
Defendants.

Case No. CR 17-00582-JMS-RLP  
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that:

I, Eric J. Beste, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, CA 92101-8893.

I am not a party to the above-entitled action. I have caused service of the foregoing on all parties in this case by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 3, 2017.

Eric J. Beste  
MICHAEL G. WHEAT  
ERIC J. BESTE  
JANAKI S. GANDHI  
COLIN M. MCDONALD  
Special Attorneys to the Attorney General